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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,164	07/16/2003	David A. Kovalsky	67,008-066;S-5534	4324
26096	7590	04/05/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			WHITE, DWAYNE J	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/621,164	<b>Applicant(s)</b> KOVALSKY ET AL.	
	<b>Examiner</b> Dwayne J White	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6,8-13 and 15-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Examiner's Note***

Due to the discovery of new pertinent prior art, the Examiner must regrettable withdraw allowability of claims 7 and 14 (now cancelled and incorporated in to independent claims 1, 8 and 18). The Examiner apologizes for any inconvenience this may have caused. The new grounds for rejection follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, 12, 13, 15-18 and 20-22 rejected under 35 U.S.C. 102(b) as being anticipated by Braswell et al. (4,120,610). Braswell et al. disclose a tip section assembly for a rotor blade comprising a first surface substantially parallel to a second surface and each surface extending from a shear web forming a C-shaped cross section 60 where in the open side faces the leading edge of the rotor blade and are non-planar. The tip section assembly further comprises a non-structural tip skin 14/16 mounted to the tip spar section and a splice cap 20 mounted to the open side of the tip spar section. It should be noted that it is the position of the Examiner that the tip spar can be described as either C or U-shaped.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-12 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteleone (3,721,507) in view of Braswell et al. (4,120,610). Monteleone discloses a tip section assembly for a rotor blade comprising a tip spar section 44 comprising a first surface substantially parallel to a second surface and each surface extending from a shear web forming a C-shaped cross section where in the open side faces the leading edge of the rotor blade. The tip spar is mounted to the main blade spar and defines an anhedral relative to the main blade spar (See Figure 2) and is non-planar. It should be noted that it is the position of the Examiner that the tip spar can be described as either C or U-shaped. There is also a non-structural tip skin mounted to the tip spar section. Monteleone does not disclose a splice cap mounted to the open side of the tip spar.

Braswell et al. teach a tip section assembly having a splice cap mounted to the open side of a tip spar section. Since both Monteleone and Braswell et al. both disclose rotor blade assemblies, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the assembly of Monteleone, with the teaches of Braswell et al., by adding a splice cap to the open side of the tip spar for the purpose of reinforcing the rotor tip.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monteleone in view of Braswell et al. in further view of Reinfelder et al. (5,320,494). Monteleone as modified by Braswell et al. disclose all of the claimed subject matter except the skin being a three-ply fiberglass lay-up.

Reinfelder et al. teach the skin of the tip portion of a rotor blade being manufactured of three layers of fiberglass fiber for durability. Since both Monteleone and Reinfelder et al. disclose tip spar sections having non-structural skin mounted to them, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the skin of Monteleone, with the teachings of Reinfelder et al., by manufacturing the skin as claimed for the purpose of improving durability of the tip portion skin.

## **CONCLUSION**


### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dwayne J. White  
Patent Examiner  
Art Unit 3745

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4/4/05